

REMARKS

This is in full and timely response to the Office Action dated June 10, 2004. Reconsideration and reexamination are respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claims 1 to 13, 27 and 30 have been cancelled, and claims 14, 15, 17, 19, 20, 21, 24, 25, 26, 28, 29 and 31 have been amended. Claims 14 to 26, 28, 29 and 31 remain pending in this application.

The drawings were objected to by the Examiner for the reasons stated on page 2 of the Office Action. In response, the Applicants are submitting herewith new formal drawings, along with a Letter to the Official Draftsperson, to make the various corrections suggested by the Examiner. Specifically, Figs. 2, 3 and 4 have been changed to enlarge the structural elements, the reference numeral 35 has been deleted from Fig. 1, the outlet 14a of the pump has been labeled in Fig. 1, and the spring retainer 42 and circular lip 43 have been labeled in Fig. 5. In view of these changes and corrections, the Examiner is respectfully requested to reconsider and withdraw his objections to the drawings.

The specification was objected to by the Examiner for the reasons stated on pages 2 to 3 of the Office Action. In response, the specification has been amended to correct each of the items noted by the Examiner. Specifically, the specification has been amended in paragraph 0029 to clarify that the upper end 21 of the bladder is fixed relative to the lower end 22 of the inner tubular member 14 by an assembly including an upper bladder adapter 23 and an inner tube connector 25. This revision should eliminate any confusion created by the statement in the

original application that the upper end 21 of the bladder is coupled to the lower end 22 of the inner tubular member 14. The specification was amended at page 14, paragraph 0044, line 9, to change the phrase "out the end of the inner" into --out the outlet 14a of the inner--, as suggested by the Examiner. The specification was also amended at page 17, paragraph 0057, lines 8 to 9, to change "negative pressure" into --vacuum--, as suggested by the Examiner. Reconsideration and withdrawal of this objection are respectfully requested.

Claims 1 to 31 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the Applicants' invention. As noted above, claims 1 to 13, 27 and 30 have been cancelled by this amendment. To overcome this rejection as it applies to the remaining claims, claims 14, 15, 19, 20, 21, 24 to 26, and 31 have been carefully reviewed and revised to correct each of the matters noted by the Examiner in paragraph Nos. 6 and 9 to 14 on pages 3 to 5 of the Office Action. For example, independent claims 14, 21 and 31 have been amended to recite that the ends of the bladder are fixed relative to the inner and outer members, respectively. Similar changes were also made to claims 24, 25 and 26. These changes are believed to avoid any possible indefiniteness in the original claim language that the ends of the bladder are coupled to the inner and outer members, respectively. The Examiner's various suggestions for amending claims 15, 19, 20 and 21 have been incorporated in the above amendments. With regard to paragraph No. 14 on page 5 of the Office Action, it is noted that the spring 41 fits over the tube 25 in Figs. 2 and 5, not inside the tube 25 as stated by the Examiner. The spring 41 seats on an upper surface of the check ball retainer 37, as recited in amended claim 24. Thus, claim 24 as amended is

consistent with what is illustrated in Figs. 2 and 5 of the drawings.

Accordingly, it is respectfully submitted that the claims as amended are in full compliance with 35 U.S.C. 112, second paragraph. Reconsideration and withdrawal of the rejections based on 35 U.S.C. 112, second paragraph, are respectfully requested.

On page 18 of the Office Action, the Examiner stated that claims 21 to 24 and 31 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Accordingly, claims 21 and 31 have been rewritten in independent form to place all of claims 21 to 24 and 31 into condition for allowance.

Claim 14 is the only remaining independent claim in this application not already indicated allowable by the Examiner. Claim 14 has been amended to add a limitation similar to that found in allowable claim 21. Specifically, claim 14 has been amended to recite:

a return spring that stores energy during a tension stroke of the inner member in an upward direction relative to the outer member and releases energy during a compression stroke of the inner member in a downward direction relative to the outer member.

Claim 14 has also been amended to recite that the bladder has “a first end fixed relative to a lower end of the inner member and a second end fixed relative to a lower end of the outer member,” to overcome the Examiner’s rejection under 35 U.S.C. 112, second paragraph. Claim 14 has also been amended to clarify that the inlet and outlet passages can be located other than at the respective ends of the bladder.

Claim 14 stands rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Shyu (U.S. Patent No. 5,207,339), Perrodin (U.S. Patent No. 5,411,381), or Hauser (U.S. Patent No.

4,483,665). However, none of these references teach the Applicants' claimed "return spring that stores energy during a tension stroke of the inner member in an upward direction relative to the outer member and releases energy during a compression stroke of the inner member in a downward direction relative to the outer member." This feature of the Applicants' invention provides an important improvement over the prior art because it allows the pump to be positioned in a relatively deep sampling well while being mechanically driven from a point above the well (e.g., the ground surface) by a tension member (i.e., the claimed "inner member").

Accordingly, it is respectfully submitted that independent claim 14 as amended, as well as claims 15 to 20, 25, 26, 28 and 29 which depend therefrom, are not anticipated by Shyu, Perrodin, or Hauser, and that the Examiner's rejections of these claims under 35 U.S.C. 102(b) should be reconsidered and withdrawn.

For at least the foregoing reasons, it is respectfully submitted that all of the pending claims in this application are patentable over the applied prior art, and that this application is now in condition for allowance. Early issuance of a Notice of Allowance is respectfully requested.


If the Examiner has any comments or suggestions that could place this application into even better form, the Examiner is encouraged to contact the Applicants' undersigned representative at the telephone number listed below.

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PATENT APPLICATION

Respectfully submitted by:

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